

## SUBSTITUTE PRELIMINARY AMENDMENT

Serial Number: 09/521,524

Filing Date: March 8, 2000

Title: RAPID GENERATION OF RECOMBINANT ADENOVIRAL VECTORS

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*37* 38. [New] The method of claim *27*, wherein the transfecting is by a calcium phosphate method of transfection.

*38* 39. [New] The method of claim *27*, wherein the Ad backbone plasmid is pacAd5 9.2-100/SwaI, pacAd5 9.2-100/E3Δ-RSVntLacZ, pacAd5 9.2-100/E3Δ1.8, pacAd5 9.2-100/E3Δ2.6, pacAd5 9.2-100/E3Δ3.1, pacAd5 9.2-100/E3Δ-RSVeGFP, pacAd5 9.2-100/E3ΔE4orf6, pacAd5 9.2-100/E4Δ, or pacAd5 9.2-100.

*39* 40. [New] Ad backbone plasmid pacAd5 9.2-100/SwaI, pacAd5 9.2-100/E3Δ-RSVntLacZ, pacAd5 9.2-100/E3Δ1.8, pacAd5 9.2-100/E3Δ2.6, pacAd5 9.2-100/E3Δ3.1, pacAd5 9.2-100/E3Δ-RSVeGFP, pacAd5 9.2-100/E3ΔE4orf6, pacAd5 9.2-100/E4Δ, or pacAd5 9.2-100.

*40* 31. [New] A cloning system for generating recombinant adenovirus comprising:  
(a) Ad backbone plasmid pacAd5 9.2-100/SwaI, pacAd5 9.2-100/E3Δ-RSVntLacZ, pacAd5 9.2-100/E3Δ1.8, pacAd5 9.2-100/E3Δ2.6, pacAd5 9.2-100/E3Δ3.1, pacAd5 9.2-100/E3Δ-RSVeGFP, pacAd5 9.2-100/E3ΔE4orf6, pacAd5 9.2-100/E4Δ, or pacAd5 9.2-100, and  
(b) a shuttle plasmid comprising Ad sequences from 0 to 1 map units and 9.2 to 16.1 map units of an Ad genome.

*41* 32. [New] A host cell comprising:  
(a) Ad backbone plasmid pacAd5 9.2-100/SwaI, pacAd5 9.2-100/E3Δ-RSVntLacZ, pacAd5 9.2-100/E3Δ1.8, pacAd5 9.2-100/E3Δ2.6, pacAd5 9.2-100/E3Δ3.1, pacAd5 9.2-100/E3Δ-RSVeGFP, pacAd5 9.2-100/E3ΔE4orf6, pacAd5 9.2-100/E4Δ, or pacAd5 9.2-100, and  
(b) a shuttle plasmid comprising Ad sequences from 0 to 1 map units and 9.2 to 16.1 map units of an Ad genome.

*Cont.*

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*eff* 33. [New] The host cell of claim 30, wherein the cell is an animal cell.

*4/3* 34. [New] A method for producing recombinant adenovirus consisting of contacting a host cell with

(a) Ad backbone plasmid pacAd5 9.2-100/SwaI, pacAd5 9.2-100/E3Δ-RSVntLacZ, pacAd5 9.2-100/E3Δ1.8, pacAd5 9.2-100/E3Δ2.6, pacAd5 9.2-100/E3Δ3.1, pacAd5 9.2-100/E3Δ-RSVEGFP, pacAd5 9.2-100/E3ΔE4orf6, pacAd5 9.2-100/E4Δ, or pacAd5 9.2-100, and

(b) a shuttle plasmid comprising Ad sequences from 0 to 1 map units and 9.2 to 16.1 map units of an Ad genome.

**SUMMARY OF EXAMINER INTERVIEW**

Applicant's Representative thanks Examiner Shanon Foley for the opportunity to interview this application on December 18, 2002. Issues relating to 35 U.S.C. § 103 were discussed during the interview.

**REMARKS**

Applicant has carefully reviewed and considered the Advisory Action mailed on October 21, 2002. Claims 2-8, and 10-25 have been cancelled, and claims 27-34 are newly added. As a result, claims 27-34 are now pending in this application. No new subject matter has been added. The amendments are made to clarify the claims, and not for reasons relating to patentability. Therefore, the amendments are not intended to limit the scope of equivalents to which any claim element may be entitled.

Support for the amendment to claim 27 is found throughout the specification, for example on page 3, lines 20 through page 4, line 2, and page 5, line 7. Support for new claim 28 is found throughout the specification, for example on page 11, lines 27-28. Support for new claims 29-34 is found throughout the specification, for example in the originally-filed claims, and in the specification. In particular, pages 8, line 17 through page 9, line 26 describe how the named